



Guidelines for workers and employers



# Freedom of association



Labour & Human Resource Department  
Government of the Punjab



### **What does freedom of association mean?**

The freedom or right to form association is guaranteed by Article 17 of the Constitution of Pakistan. It means every citizen has the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.

### **Which law protects this right in industries and establishments?**

The workers and employers have the right to establish and join associations of their own choosing, subject to respect of the law under the Punjab Industrial Relations Act (IRA), 2010. Both the organizations of workers and employers also have the right to affiliate themselves with international organizations and confederations.

### **What are the conditions for the formation of trade union?**

Workers of any establishment, employing not less than 50 workers, may establish or join a trade union of their own choice. It shall apply to all persons employed in any establishment or industry forming the executive body of the union and shall include not less than 80 per cent from amongst the workmen actually engaged or employed.



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### **Can an association or trade union frame its own constitution and other rules?**

Every trade union and employers' association shall frame its own constitution and rules to elect its representatives in full freedom to organize its administration and activities and to formulate its programmes.

### **Can a worker be a member of more than one trade union at one time?**

A worker cannot be a member of more than one trade union, at any one time, and on joining another trade union, his earlier membership of the other trade union shall stand cancelled.

### **Can workers' or employers' organizations join other bodies or not?**

Workers' or employers' organizations may establish and join federations and confederations and may affiliate with international organizations and confederations or workers' or employers' organizations.

### **What is the concept of Collective Bargaining Agent (CBA)?**

The Collective Bargaining Agent (CBA) is a registered trade union elected by secret ballot. The CBA is entitled to undertake collective bargaining with the employer or employers on matters connected with employment, the terms of employment or any right guaranteed or secured



to it or any worker by or under any law, or any award or settlement.

### **How is a trade union registered?**

Registration of a trade union is made under the Punjab Industrial Relations Act (IRA), 2010. Workers' trade unions are registered with the Registrar of Trade Unions. In case of local union, it is registered by the District Officer Labour of the concerned district, who is the Registrar. In case of a provincial level union, registration is made by the designated provincial registrar at the Directorate of labour Welfare, Punjab.

### **Can a trade union or their federation be registered at national level?**

After the passage of 18<sup>th</sup> constitutional amendment, the labour issue has been devolved to the provinces and it is no more on the concurrent list of subjects for federal legislation. Under the Punjab Industrial Relations Act (IRA), 2010, there is no room for registration of a nationwide union or federation of unions.

### **What numerical strength of workmen is required to form a CBA?**

If there is only one trade union in an industry or establishment, the number of members (workmen) should not be less than one-third of the total workmen employed there. And, where there are two or more



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registered trade unions already set up in an establishment, members should not be less than one-fifth of the total number of workmen. Members' length of service shall not be less than three months.

### **What are unfair labour practices on the part of workmen?**

Workers are not allowed to coerce other workers for union activities. They cannot circumvent the procedures for collective bargaining. They cannot go on illegal strikes. Workers would be guilty of committing unfair labour practice when they persuade an employer to hire, discharge, or discriminate against an employee for the purpose of encouraging or discouraging union activity. The refusal of a labour organization to bargain collectively or to execute an agreement reached upon with an employer is another unfair labour practice.

### **What are unfair labour practices on the part of an employer?**

Office bearers of trade unions are given protection against arbitrary transfer, discharge and dismissal. Any ill-intentioned actions on the part of the employer against an office-bearer of a trade union or against a worker for trade union activities are taken as unfair practices.

These practices may include threatening workmen with discharge or dismissal if they join a trade union threatening a lock-out or closure, dismissing workmen for

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taking part in legal strikes and denying promotion to workmen because of their trade union related activities.

### **How can an industrial dispute be resolved?**

If an employer or a CBA finds that an industrial dispute has arisen or is likely to arise, they may communicate their views in writing to the other party. Upon receipt of this communication, the other party has fifteen days (or more if agreed) to try and settle the dispute by bilateral negotiations. If that doesn't happen, any of the two parties can serve a notice of conciliation on the other party within fifteen days, with a copy sent to the Conciliator and to the concerned Labour Court.

If the dispute is settled before the Conciliator, or a tripartite Board of Conciliators, a report is sent to the government, with the memorandum of settlement.

If the conciliation fails, the conciliator tries to persuade the parties to refer their dispute to an arbitrator. If they agree, the parties make a joint request in writing to the arbitrator they have agreed upon. The arbitrator gives his or her award within a period of 30 days or a period agreed upon by the parties. The award of the arbitrator is final and valid for a period not exceeding two years. A copy of the award is sent to the government, for publication in the official gazette.



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### **What is meant by an illegal strike or illegal lock-out?**

A strike or lockout is declared illegal if it happens without giving notice of conciliation to the other party of the dispute, or if it is started or continued in a manner other than that provided by the Punjab IRA 2010 or in contravention with this Act. In case of an illegal strike or lockout, an officer from the Labour Department may make a report to the Labour Court, and require the employer or CBA or the registered trade union concerned, to appear before the court and explain their position.

### **What is the right forum to approach for resolution of disputes?**

Under the law, CBA unions and employers can approach a labour court for the redress of their complaints. Labour courts can grant interim relief to parties in any case. The Provincial Government derives its authority to establish as many Labour Courts as it considers necessary under the Act. An award or decision of a Labour Court is produced in writing and delivered in open Court with two copies subsequently forwarded to the Provincial Government. Upon receipt, the Provincial Government within a period of one month publishes the award or decision in the Official Gazette.



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### A publication of

#### **LABOUR AWARENESS CELL**

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